

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/781,669
Attorney Docket No.: Q79781

REMARKS

Claims 1-10 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 6, and 9 to further clarify the invention. In addition, Applicant adds claims 11-14, which are clearly supported throughout the specification.

I. Preliminary Matters

Applicant thanks the Examiner for indicating acceptance of the drawing figures filed on February 20, 2004. Also, Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and for indicating receipt of the certified copy of the priority document. Finally, Applicant thanks the Examiner for returning the initialed Form PTO/SB/08 submitted with the Information Disclosure Statement filed on July 13, 2004.

II. Summary of the Office Action

The Examiner indicated that claims 1-10 are rejected under 35 U.S.C. § 102.

III. Claim Rejections

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,611,863 to Banginwar (hereinafter "Banginwar"). Applicant respectfully traverses these grounds of rejection in view of the following comments.

Independent claim 1 *inter alia* recites: "wherein the decentralized, plant-side modules each have a respective dedicated configuration module; and for one of the plant functions to be controlled, at least one of configuring and parameterizing the plant-side modules with the respective dedicated configuration modules."

That is, in an exemplary, non-limiting embodiment, a dedicated configuration module for configuring a respective decentralized, plant-side module is provided. In other words, each

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decentralized, plant-side module has a configuration module exclusive (used only) for configuring its respective plant-side module. In the conventional techniques, the configuration software for various plant-side modules is provided by the manufacturer and is centrally updated. In the conventional techniques, the user must update all different hardware modules using the centrally provided configuration software. On the other hand, in the exemplary embodiment of the present invention, each plant-side module has its own dedicated configuration module that is independent of the other configuration modules for the other plant-side modules. As such, the user can update and reload various configuration modules separately and independently from one another. Furthermore, each hardware module may be delivered and configured independently by having its own dedicated configuration module. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

Banginwar, on the other hand, relates to an improved technique of forming a network of various devices. In particular, Banginwar discloses automatically assigning devices to various device proxies which implement policies on the devices in its proxy. As such, the proxy can convert the policy received from the server into the device-specific configuration and then distribute this device-specific configuration to the devices in its proxy. That is, each device proxy manages its group of devices. In Banginwar, the device proxy registers a filter with the device discovery, where the filter identifies characteristics of the devices and the devices that match the filter parameters are added to the device proxy (col. 1, line 60 to col. 2, line 46 and

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col. 3, lines 20 to 30). In other words, Banginwar discloses a device proxy that implements a policy on a particular type of devices that are identified as devices within its group.

Banginwar, however, does not disclose or suggest a configuration module provided in the respective device for configuring this device. The policies are provided to the proxy device that can implement the policy on more than one device. In other words, the proxy device is not dedicated to a particular device but can service a number of devices.

Therefore, at least the recitation of “wherein the decentralized, plant-side modules each have a respective dedicated configuration module; and for one of the plant functions to be controlled, at least one of configuring and parameterizing the plant-side modules with the respective dedicated configuration modules,” as set forth in claim 1, is not disclosed by Banginwar, which lacks having a configuration module dedicated to a particular device within the network that configures this device. For at least these exemplary reasons, claim 1 is patentably distinguishable from Banginwar. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2-5.

In addition, dependent claim 2 recites: “the control of the technical plant comprises an open-loop control” and dependent claim 3 recites: “the control of the technical plant comprises a closed-loop control.” The Examiner contends that Banginwar discloses these unique features of these dependent claims 2 and 3 (*see page 5 of the Office Action*). Applicant respectfully disagrees. Banginwar relates to a network for business, governments, and other organizations (col. 1, lines 15 to 20). In Banginwar, there is no disclosure or suggestion of a technical plant. Further, there is no disclosure or suggestion of an open loop or closed loop control of the technical plant. Since Banginwar only discloses a network of devices, the rejection is improper

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as it lacks “sufficient specificity” required under 102. “[A]nticipation under § 102 can be found only when the reference discloses exactly what is claimed and that where there are differences between the reference disclosure and the claim, the rejection must be based on § 103 which takes differences into account.” *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131. Therefore, for at least these additional exemplary reasons, Applicant respectfully submits that claims 2 and 3 are patentably distinguishable from Banginwar.

Next, independent claims 6 and 9 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments at least analogous to those presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, therefore, independent claims 6 and 9 are patentably distinguishable from Banginwar. Claims 7, 8, and 10 are patentable at least by virtue of their dependency on claim 6 or 9.

In addition, independent claim 9 recites the feature of: “wherein the decentralized, plant-side modules each comprise a dedicated configuration module, and wherein the decentralized, plant-side modules each comprise a microprocessor and memory components storing the dedicated configuration module, wherein the microprocessor and memory components configure the respective plant-side module.” The Examiner contends that Banginwar discloses these unique features of claim 9 (*see* page 4 of the Office Action). Banginwar, however, fails to disclose or even remotely suggest the components of the devices in the network. In Banginwar, there is no disclosure or suggestion of what constitutes a device. In other words, Banginwar does not suggest the device having a microprocessor and a memory component for configuring itself.

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For at least these additional exemplary reasons, claim 9 is patentably distinguishable from Banginwar.

IV. New Claims

In order to provide more varied protection, Applicant adds claims 11-14, which are patentable by virtue of their dependency on claim 1 and for additional unique features set forth in these claims.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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